IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14765 of 2004

Between:

1 Mr. Soloman /Raju, S/o. Devadas, O/o. Executive

Director, District Schedule Caste Service Cooperative

Society Limited, Ananthapur.
2 P. Sriramulu, S/o. Hanumanna, O/o. Executive

Director, District Schedule Caste Service Cooperative

Society Limited, Ananthapur.

..... PETITIONERS

AND

1 The District Collector, Ananthapur District, Ananthapur.
2 The Managing Director, A.P. Schedule Caste

Finance Corporation Limited, Telugu Samkshema

Bhavan, 5th Floor, Masab Tank, Hyderabad.
3 The Executive Director, District Scheduled Castes

Service Co-Society Limited, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or order or direction declaring

the impugned action of the respondents in not taking any action to promote the petitioners to the posts of the Junior Assistant and also in not taking any action on the representations made by the petitioners, is illegal, arbitrary and in violation of natural justice apart from violative of fundamental rights guaranteed under Article 14 and 16 of the Constitution of India consequentially direct the respondents to promote the petitioners to the post of Junior Assistant lying vacant in the office of the 3rd respondent before considering any other candidate to the said posts, award costs

Counsel for the Petitioner: MR.CH.SUDHAKAR BABU

Counsel for the Respondent Nos.1 to 3: MR.M.V.S.SURESH KUMAR

The Court at the admission stage made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14765 OF 2004

ORDER:

The first petitioner joined as an Attender in the second respondent Corporation on 17-12-1985. He was promoted as a Driver on 27-06-1991. He passed Bachelors Degree and Typewriting Lower Grade. The second petitioner is working as a Record Assistant and he studied X Class. The petitioners contend that they are qualified to be promoted to the post of Junior Assistant and there are two posts of Junior Assistant are vacant.

2. The petitioners made a representation to the third respondent on 05-02-2004 requesting to consider them for promotion as Junior Assistants. The petitioners further mentioned that a daily wage Section Writer by name T.Ruthamma filed W.P.No.12201 of 1995 before this Court and this Court while disposing of the said Writ Petition dated 02-08-2004 directed the third respondent to pass appropriate orders on the representations of the said lady, within two months from the date of receipt of a copy of the order from this Court.

3. The contention of the petitioners is that the third respondent, by taking advantage of the order of this Court, is making efforts to appoint the said Ruthamma as a Junior Assistant, though she is not eligible to be considered for the said post. The petitioners therefore, approached this Court seeking a direction to the third respondent to consider the names of the petitioners also for promotion as Junior Assistants.

4. The petitioners are contending that they are qualified to the post of Junior Assistant, and as per the Service Rules for the District Schedule Castes Service Co-operative Societies, there is a channel provided for appointment by transfer from members of “C” Category post to the “B” category post of Junior Assistant.

5. In the light of the circumstances explained by the petitioners, the third respondent is directed to consider the representations of the petitioners dated 05-02-2004 along with other candidates and pass appropriate orders according to Rules.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

20th August, 2004

SKM

Note:

Operative portion by wire

at parties costs.

B/o.

Skm

TO

1 The District Collector, Ananthapur District, Ananthapur.
2 The Managing Director, A.P. Schedule Caste

Finance Corporation Limited, Telugu Samkshema

Bhavan, 5th Floor, Masab Tank, Hyderabad.
3 The Executive Director, District Scheduled Castes

Service Co-Society Limited, Ananthapur.

4 Two C.D.Copies.